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DATE: December 20, 2005

TO: Examiner Quoc Duc TRAN
USPTO GPAU 2643

FAX NO.: 571-273-8300

FROM: Adam D. Sheehan
Reg. No.: 42,146

RE U.S. App. No.: 10/814,798, filed March 31, 2004

Applicant(s): Scott A. BELZ, et al.

Atty Dkt No.: 1033-AM1001

Title: SYSTEM AND METHOD FOR DETECTING COMPUTER PORT
INACTIVITY

NO. OF PAGES (including Cover Sheet): 8

MESSAGE:

Attached please find:

- ☒ Pre-Appeal Brief Request for Review (1 pg)
- ☒ Notice of Appeal (1 pg)
- ☒ Remarks in Support of the Pre-Appeal Brief Request for Review (5 pgs)

5000 Plaza On The Lake
Suite 265
AUSTIN, TEXAS 78746

Tel: (512) 327-5515

FAX: (512) 327-5452

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Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 1033-AM1001	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on <u>December 20, 2005</u> Signature <u>Molly K. Harrison</u> Typed or printed name <u>Molly K. Harrison</u>		Application Number 10/814,798	Filed March 31, 2004
		First Named Inventor Scott A. BELZ	
		Art Unit 2643	Examiner Quoc Duc TRAN
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input type="checkbox"/> attorney or agent of record. Registration number _____ <input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>42,146</u>		<u>Adam D. Sheehan</u> Signature Adam D. Sheehan Typed or printed name (512) 327-5515 Telephone number <u>12/20/2005</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DEC 20 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Scott A. BELTZ, et al.

Title: METHOD AND SYSTEM OF REMOTELY RESTORING
COMMUNICATION LINES

App. No.: 10/814,798 Filed: March 21, 2004

Examiner: TRAN, Quoc Duc Group Art Unit: 2643

Customer No.: 34456 Confirmation No.: 4972

Atty. Dkt. No.: 1033-AM1001

Mail Stop AF
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450**REMARKS IN SUPPORT OF
THE PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Dear Sir:

In response to the Final Office Action mailed September 28, 2005 (hereinafter, "the Final Action") and further pursuant to the Notice of Appeal and Pre-Appeal Brief Request for Review submitted herewith, the Applicants respectfully request review and reconsideration of the Office Action in view of the following issues.

Claims 1-8 and 10-18 are allowable

Claims 1-8 and 10-18 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,097,515 to Pomp, et. al. ("Pomp") in view of U.S. Patent No. 6,097,515 to Gottesman, et. al. (4,878,048). The cited references, individually and in combination, do not disclose or suggest each and every element of the claims. Accordingly, Applicants submit that the rejection should be withdrawn.

With respect to claim 1, Pomp fails to disclose or suggest each and every element of this claim. For example, claim 1 recites "a test and control system including a first input coupled to a technician terminal, a first output to send a command signal to an automated circuit switchover

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system within a telephone central office and a second output coupled to a switchable protection circuit” and “wherein the switchable protection circuit is...responsive to the test and control system and including logic to respond to a specific command sent from the test and control system via the second output to switch a selected one of the plurality of active individual communication lines to the unused spare communication line.” These elements are not disclosed by Pomp. Instead, Pomp discloses an operations control center coupled to a central office switch. (See Pomp, Fig. 1). The operations control center of Pomp does not include a second output coupled to a switchable protection circuit. Accordingly, Pomp fails to disclose each and every element of claim 1.

Further, Gottesman does not remedy the deficiency of Pomp. Gottesman discloses a “channel redundancy system” including a central office 10, a remote terminal 34, and a pair gain test controller 48. See (Gottesman, Fig. 1). According to Gottesman, the pair gain test controller is used to test the central office 10 and the remote terminal 34. (Gottesman, col. 3, lines 55-62). If a defective channel is identified, a repair signal is sent to the remote terminal 34 “from the central office 10.” (Gottesman, col. 4, line 58 – col. 5, line 2 (emphasis added)). The repair signal activates a relay 70 of a channel unit 54 in the remoter terminal 34 to fix the defective channel. (Gottesman, col. 5, lines. 2-7). Thus, the repair signal of Gottesman is sent through the central office 10. Accordingly, Gottesman does not disclose or suggest a second output coupled to a switchable protection circuit wherein the switchable protection circuit includes logic to respond to a specific command sent from the test and control system via the second output to switch a selected one of the plurality of active individual communication lines to the unused spare communication line, as recited by claim 1. Therefore, Pomp and Gottesman, individually and in combination, fail to disclose each and every element of claim 1.

With respect to claim 10, the claim recites the following elements: “sending a program code to the remote switch protection device via a first communication path from the automated test system to the remote switch protection device to request the remote switch protection device to swap the individual subscriber communication line with a spare communication line” and “sending a switch-to-spare circuit command to a telephone exchange via a second communication path from the automated test system to the telephone exchange, the telephone exchange including a telephone circuit communicatively coupled to the individual subscriber

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communication line and to the remote switch protection device, the telephone exchange automatically switching the telephone circuit from the individual-subscriber communication line to the spare communication line.” Pomp and Gottesman fail to disclose at least these two elements. As explained above, the operations control center of Pomp is coupled to a central office switch, and does not include a first communication path from an automated test system to a remote switch protection device and the Pomp operations control center doesn’t send a program code to a remote switch protection device via the first communication path from the automated test system to the remote switch protection device, as recited by claim 10. Similarly, the system of Gottesman routes its repair signal through a single communication path for the central office and the remote terminal. Accordingly, Pomp and Gottesman, individually and in combination, fail to disclose or suggest each and every element of claim 10.

With respect to claim 16, the claim recites the following elements: “communicating a program code over a first communication path from the automated test system to a switch protection device, the switch protection device supporting the subscriber communication line, the program code to request the switch protection device to swap the subscriber communication line with a spare communication line” and “communicating a switch-to-spare circuit command over a second communication path from the automated test system to a telephone exchange, the telephone exchange including a telephone circuit communicatively coupled to the subscriber communication line and to the switch protection device via a DS1 communications link, the telephone exchange automatically switching the telephone circuit from the subscriber communication line to the spare communication line.” Pomp fails to disclose at least these two elements. As explained above, the operations control center of Pomp includes only a single communication path to a central office switch, and does not include a first communication path from an automated test system to a switch protection device. The Pomp operations control center doesn’t send a program code to a switch protection device over the first communication path from the automated test system to the remote switch protection device, as recited by claim 16. Similarly, Gottesman discloses a system that routes a repair signal to a remote terminal through a communication path to a central office, rather than through a separate communication path. Accordingly, Pomp and Gottesman, individually and in combination, fail to disclose or suggest each and every element of claim 16.

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Claims 2-8, 11-15, and 17-18 depend from independent claims 1, 10, and 16, respectively. Accordingly, Pomp and Gottesman fail to disclose or suggest each and every element of these claims at least by virtue of their dependence on claims 1, 10, and 16. Furthermore, claims 2-8 and 11-15, and 17-18 recite additional elements not disclosed by Pomp or Gottesman.

Therefore, for at least the reasons set forth above, Pomp fails to disclose each and every element of claims 1-8 and 11-16. Accordingly, Applicants respectfully request that the rejection of these claims be withdrawn.

Claims 9 and 19 are allowable

Claims 9 and 19 were rejected under 103(a) as being unpatentable over Pomp in view of Gottesman and further in view of U.S. Patent No. 4,074,072 to Christensen, et. al. ("Christensen"). Claim 9 depends from claim 1 and claim 19 depends from claim 16. As explained above, Pomp and Gottesman, together and individually, fail to disclose or suggest each and every element of claims 1 and 16. Moreover, Christensen fails to disclose or suggest each and every element of claims 1 and 16, including those elements lacking in Pomp and Christensen. Christensen discloses a time division multiplex switching network. Christensen, Abstract. Christensen does not disclose any kind of test and control system, and in particular does not disclose "a test and control system including a first input coupled to a technician terminal, a first output to send a command signal to an automated circuit switchover system within a telephone central office and a second output coupled to a switchable protection circuit" as recited in claim 1. Further, Christensen does not disclose "communicating a program code over a first communication path from the automated test system to a switch protection device, the switch protection device supporting the subscriber communication line, the program code to request the switch protection device to swap the subscriber communication line with a spare communication line" as recited by claim 16. Accordingly, Pomp, Gottesman, and Christensen fail to disclose or suggest each and every element of claims 9 and 19, at least by virtue of their respective dependence on claims 1 and 16.

Therefore, for at least the reasons set forth above, Pomp, Gottesman, and Christensen fails to disclose or suggest each and every element of claims 9 and 19. Accordingly, Applicant

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respectfully requests that the rejection of these claims be withdrawn and the claims passed to allowance.

Conclusion

As discussed above, the Final Action fails to establish that the cited references and the proposed combinations thereof disclose or suggest the specific combinations of elements recited by independent claims 1, 10, and 16. The Final Action also fails to establish that the cited references disclose or suggest each and every element of claims 2-9, 11-15, and 17-19 at least by virtue of their dependency from one of claims 1, 10, and 16. Accordingly, each of the pending claims is allowable over the cited references and the Applicants therefore request withdrawal of all pending rejections.

Respectfully submitted,

12/20/2005
Date

Adam D. Sheehan
Adam D. Sheehan, Reg. No. 42,146
TOLER, LARSON & ABEL, L.L.P.
5000 Plaza On The Lake, Suite 265
Austin, Texas 78746
(512) 327-5515 (phone)
(512) 327-5452 (fax)